

No. 14/13/87-6Lab./289. —In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947(Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of presiding officer, Industrial Tribunal-cum-Labour Court, Gurgaon in respect of the dispute between the workman and the management of M/s. Taneja Rubber Industries, Gurgaon *versus* Shri Beer Singh.

IN THE COURT OF MRS. NIRMAL YADAV, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GURGAON

Reference No. 92 of 1993

between

SHRI BEER SINGH S/O SHRI RAM CHANDER, VILLAGE KHANDSA ROAD, TEHSIL AND DISTRICT GURGAON

and

THE MANAGEMENT OF M/S. TANEJA RUBBER INDUSTRIES, RAVI NAGAR, BASAI ROAD, GURGAON.

Present :

Shri S.K. Goswami, for the workman.

None, for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of Sub-section (i) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute, between the parties, mentioned above, to this Court, for adjudication,—*vide* Haryana Government Labour Department, endorsement No. 11309-314, dated 29th March, 1993 :—

Whether termination of services of Shri Beer Singh is legal and justified ? If not, to what relief is he entitled ?

2. The facts according to petitioner's claim statement are that he was appointed with the respondent-management w. e. f. 1st January, 1991 and his services were terminated on 30th June, 1992 in contravention of the provisions of the Industrial Disputes Act, 1947.

3. Notice of the reference was sent to the management and management refused to accept the same, therefore, *ex parte* proceedings were initiated against the management.

4. In his *ex parte* evidence, workman reiterated his claim. According to petitioner, he was appointed w. e. f. 1st January, 1991 as Dieman (Pressman) with the respondent-management. He further stated that management terminated his service on 30th June, 1992. At the time of termination of his service, he was getting Rs. 1000 p.m. According to petitioner, he continuously worked with the respondent from 1st January, 1991 to 30th June, 1992. Management did not give any notice or pay in lieu thereof, nor retrenchment compensation was paid to him. Petitioner produced report of the Labour Officer under Section 12(4) of the Industrial Disputes Act. In the said report, it is clearly mentioned that management was summoned five times to the office of the Conciliation Officer, but none appeared on their behalf. From these facts, it is apparent that management is intentionally avoiding to appear before the authorities taking into consideration the un rebutted testimony of the petitioner, it is well proved that Petitioner continuously worked from 1st January, 1991 to 30th June, 1992 and that the management failed to comply with the mandatory provisions of Section 25F of the Industrial Disputes Act. As such, termination of service of the petitioner was illegal and not justified and the petitioner is entitled to reinstatement into his job with continuity of service and full back wages.

NIRMAL YADAV,

Dated : 3rd May, 1994.

Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Gurgaon.

Endst. No. 821-22, dated the 31st May, 1994.

A copy is forwarded to :—

1. The Labour Commissioner, Haryana, Chandigarh.
2. The Labour Officer, Gurgaon.

NIRMAL YADAV,

Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Gurgaon.